

**LAKE COUNTY PLANNING BOARD**  
**February 8, 2017**  
**Lake County Courthouse, Large Conference Room (Rm 316)**  
**Meeting Minutes**

**MEMBERS PRESENT:** Steve Rosso, Sigurd Jensen, Rick Cothorn, Bob Stone, Frank Mutch, David Goss

**STAFF PRESENT:** Jacob Feistner, Rob Edington, Wade Humphries, Lita Fonda

Steve Rosso called the meeting to order at 7:02 pm.

**SELECTION OF 2017 OFFICERS (Chair & Vice-Chair)**

**Motion made by Frank Mutch, and seconded by Rick Cothorn, for Steve Rosso as chair.** Steve asked for other nominations. **Motion made by Frank Mutch, and seconded by Rick Cothorn, for nominations to be closed. Both motions carried, all in favor.**

**Motion made by Steve Rosso, and seconded by Bob Stone, for Rick Cothorn as vice-chair. Motion carried, 5 in favor (Steve Rosso, Sigurd Jensen, Bob Stone, Frank Mutch, David Goss) and one abstention (Rick Cothorn).**

**GROWTH POLICY UPDATE/ INTERVIEW (7:05 pm)**

Jacob presented the staff memo outlining the growth policy update thus far. Joel Nelson of Land Solutions presented a memo from Land Solutions as part of his interview of the Board. (See attachments to minutes in the February 2017 meeting file for staff memo and Land Solutions memo.) They were looking for input for what should be in the growth policy and to what kind of stakeholders they might talk early in the process about what kind of items could be in the growth policy.

Rick asked if it had to be a formal interview or if written input was okay. Joel said the scope of work called for verbal input and they might go beyond that. He gave examples of big entities that were likely to be more involved, who were more involved in land use decisions.

Rick saw how that made sense on one level. For the public, they might consider putting a letter to service clubs that might help for outreach beyond the usual stakeholders and for more paths for public input. Joel said they'd have a regularly updated website for the project. He and Jacob talked about doing a list serve for the public.

Steve asked if the list of people who had indicated interest in helping with this was available. Jacob said LaDana had put together a file, which included that list of names and things that had been submitted. This included an extensive comment from the volunteer in the Swan that Bob contacted. He gave those to Joel for his review. They tried to recover work that the Board had already done. They now wanted to add to it. Steve highlighted 3 people he had contacted: Susan Brueggeman, Roger Smith and Bill Greer. Susan knew the wastewater issues and so forth. Roger and Bill were retired economics and business professors who might help with economic data and issues.

Steve added his comments. A big amount of the county was managed by another entity. The Tribe had to be involved with this. He thought there were issues, such as with taxation that needed to be considered and discussed in a growth policy for this county. They couldn't grow without some sort of cooperation and understanding between the County and the Tribe, so he included a relationship that promoted cooperation between CS&KT and the County. There needed to be a mutual understanding between the division of responsibilities for providing and financially supporting countywide services and infrastructure. The Tribe wasn't paying taxes on a lot of the land for which they were responsible yet roads went through those that the County paid to maintain, for instance. The countywide community of both Tribal and non-Tribal members needed to understand what was going on. He thought this needed to be addressed in the growth policy.

He also thought the recreational opportunities, natural environment and natural resources were very important to Lake County and were another major thing to address. Protections [were needed] for wildlife, the environment and this quality of life for which a lot of people moved here and expected to be able to enjoy into the future. This was among the unique qualities that Lake County had. Some presentation in the growth policy [could] show efficient delivery of county services was considered so that they weren't wasteful with tax money needed to provide county and community services.

An additional item Steve listed was emergency medical services. They were hidden under health care as ambulance. The fire department section had a brief mention of one fire department that also provided emergency medical service. Emergency medical services deserved their own section, with a better presentation and a discussion about the different volunteer agencies that provided emergency medical services outside the professional organization that operated in Polson, Ronan and possibly St. Ignatius.

Frank agreed with Steve. He thought the law was written one way for counties involved with reservations. The area of County/Tribal relations was a big deal and involved economics, taxes, jobs and development. There was a conflict between a lot of values. He thought the Hwy 93 construction was terrible because it wasn't consistently 4 lanes which led to accidents. That had to be looked at, as a major goal or objective. They had to have cooperation between the two governing bodies who were competing for control over the same land. In the Forest Service, they spent a lot of time informing the public before starting on the rest of it. He was a proponent that everyone affected should be informed. He thought a note should be sent out with the tax notices. Sometimes growth policies and planning in general seemed to be dominated by people who had one agenda. He suggested if money were available, to put good display ads in the paper and to put an insert in the Mission Valley Power bill. Everyone should know what was going on and have a shot at making comments. He hoped they'd get a good cross-section. The goals and objectives could come from the input received from the informed and involved public and the stakeholders chosen rather than the other way around. The two governments should get along and everybody should pay their fair share. He didn't understand some of the goals and objectives in the current policy and some seemed to be conflicting. The solution might be to get a better cross-section of people. They didn't have to have formal interviews. People should

have a chance to give input. The Ag community was super important in this county. With the need or greed for taxes, small Ag especially had been targeted to pay more taxes.

Joel said they planned to get notice out early in the process. Part of the scope of work was to hold 5 public meetings around the County. They'd send out emails and have posters hung in the communities where the meetings would happen to encourage attendance to do scoping and learn local issues for the public. They'd also have the website.

Frank thought City/County unification would save taxes. He saw waste and duplication in forces and equipment. Maybe they should mention possibly unifying governmental functions. He gave Butte-Silverbow as an example of a consolidated unit. Bob asked when they'd done that. Frank estimated 30 years ago.

Joel asked if Frank was referring to the actual highway plans when he referred to the highways. Frank said there were safety issues and the Tribe didn't want a highway that encouraged growth. Better transportation would lead to fuel savings, and encouragement for some types of jobs. Joel said one implementation tool was Highway 93 corridor planning, which was different than planning but could work in conjunction with it. Highway 93 corridor planning was discussed in good detail in the 2003 Growth Policy. He and Jacob had discussed the area from the south boundary of the Polson zoning to Pablo. It was changing. One developer asked about the possibility of a zoning district. The area really needed a corridor plan and that was something to look into.

Joel referred to the earlier mention of recreation. It would certainly be addressed in the growth policy but might largely refer to the 2014 Parks and Trails Plan. That was incorporated as an addendum to the 2003 Growth Policy. Somehow, that plan had to be incorporated into the growth policy. The process for that comprehensive plan had been great and it was pretty current.

*Public comment opened:*

David Passieri, a St. Ignatius realtor, was interested in the corridor plan and areas that would be more of growth areas for purposes of higher density housing or more of a commercial base. Joel confirmed for David P that he was referring to the Highway 93 corridor plan. It didn't get real specific other than mentioning this was an important thing for the County to look at so it was a priority as part of the growth policy. They had to do a plan at some point. At the end of this, they would probably have ranked priorities and ideas on how to get there and implementation strategies.

David P recalled the Density Map & Regulations (DMR) and a previous meeting that was tabled. He thought they were looking at a step to withdraw or remove the DMR so the growth policy could be addressed. How did the current Density Map fold into the growth policy? Joel replied he wasn't here for that discussion. His understanding was the Commissioners decided to keep the DMR for now and to take a close look at it when the Growth Policy was updated. Steve recalled from those discussions that one consideration for the growth policy was whether or not the DMR would be required to meet some of the goals and objectives. Without rewriting the growth policy first, [the Board] wasn't sure what those goals and objectives were going to be.

When the new growth policy was written, they might see that a different tool would be used to meet some of those goals and objectives or it might point out that the DMR would be a good tool to have. Joel added [it might point out] whether or not it was still appropriate to continue the DRM through zoning when you could have a map in the growth policy or as an addendum later along with some guiding language. One commissioner suggested they wouldn't need a map. They might just have criteria for density in the policy. You could have a list of criteria, such as wildlife habitat, proximity to services and the other purposes and objectives of the DMR and the subdivision review criteria. You'd review subdivisions as was done before [the DMR] and it became a case-by-case basis. His experience was that opened you up to lawsuits on subdivisions.

Steve said the idea was if those things they wanted to achieve for the growth policy with the DMR could be achieved by putting regulations in some other document, they possibly wouldn't need the DMR. The growth policy was non-regulatory. Other kinds of things like zoning regulations were the way the policies in the growth policy got put in regulations for effective control to meet the things in the growth policy. Having just the policy wasn't effective to be used to make decisions. You had to take the policy and create some kind of regulations to apply them. Joel said you had to follow the growth policy but you couldn't make a decision based only on the growth policy. Steve said if they wanted to lay out some regulations that people could understand and were more black and white and not subjective, they had to generate actual regulations like the zoning regulations. That was where the DMR came from, to implement policies of the growth policy. When they were done, there might be a better tool than the DMR.

David P suggested a plan A and a plan B. Plan A would be one where the CS&KT corporation gave up jurisdiction to Lake County with regard to the Growth Policy and/or regulations or DMR, with obvious updates in the future that would address a diminished tax base. Plan B would be short of a unilateral agreement to allow jurisdiction to be held by Lake County for the purposes of surviving, it should be a lot more relaxed growth policy. [The County] continued to have a shortfall of tax base. He believed they'd see a growing amount of lands going into Trust. There was a conflict of interest controlling the lands in the county. It would be interesting if a plan A and plan B could be created. This might also be a tactic to support an agreement that was unilateral in favor of Lake County having jurisdiction at that point. Bob checked that he was suggesting that plan B be a relaxation of regulations allowing for development to be less hindered. David P gave the example of 20-acre density with a unit being a residential home and a guest home with restrictions. He thought that was a fantasy land for the future. The trend was to have a compound of sorts, maybe 2 or 3 homes. That trend wasn't here today but was maybe coming in the future. He heard Joel say something like there were 3 aspects of the growth policy and some could be elements to promote the purposes of the growth policy. The purposes [could be] in favor of looking to the future for Lake County taxation to support county services and to create a budget of savings and investment, and maybe diminish taxes in the future. He didn't see that happening and thought the only way to do that was to promote a corridor plan or some sort of relaxation for growth to increase the tax base.

Bob said David P had clarified his comments somewhat. He thought if you wanted to raise money quickly then relaxing regulations quickly could cause a bit of a boom but you might be sorry in the future. You could end up with things that were unattractive. Even though there were

beautiful mountains and lakes, it could become less desirable to live here for newcomers because of the mess that's allowed to happen. He lived here and planned to stay here and that didn't sound very good to him. He checked if he was off base with what David P meant. David P affirmed he wasn't off base. He thought if he expanded on Bob's comments, the county would embrace a certain architectural style. He said there were Lake County block grants that supported low density improvements in housing and yet they were sold on the idea it promoted space for workers, like traveling nurses. He knew of no restriction as to the tenants of those lower income units with regard to their work status. Were these projects going to be barrios 45 years down the road? The County wouldn't benefit from taxes on these for 45 years. If you talked about having a community that wasn't high density, he understood that. He wasn't looking for that either. He was looking for that balance and didn't see it if CS&KT wasn't allowing jurisdiction of this growth policy to be exclusive to Lake County so there was a way to project how the county would survive.

Bob said that was a point with the barrio scenario. They didn't want to have to bus in the people who worked as waitresses. All of the problems might not be solvable. The DMR was one tool that attempted to at least cluster housing and still provide for amenities such as open spaces that weren't that far from the population centers. He described the increasing ugliness he saw between Somers and Kalispell in Flathead County. He was disgusted with the hodge-podge development that resulted from lack of planning towards Missoula. Here [in Lake County] they had a chance to do something decent. He wasn't talking about a boutique town. He didn't like the idea of giving too much power to potential developers without a clearinghouse of some kind. He gave an example of overbuilding from Florida, where no one was paying attention. Problems could be avoided many ways. He was glad to hear that David P was thinking about the future too, not just how they could get some tax dollars in the next 5 years. That kind of short term thinking could bite them.

Rick recalled someone recently brought up that the State made a determination or projection that the growth for Lake County was minimal. Had the data changed? Jacob last heard that it might decrease but he wasn't sure if that was credible. Bob looked into that last year, just after a new study was done in November. He talked to the State demographer who gave new numbers that were optimistic about growth here. He repeated a suggestion from Steve to invite the demographer to speak to the Board. They could set aside part of a meeting to meet with her. She traveled throughout the state, giving talks to Planning departments. A really good current picture wouldn't hurt them. He wrote down the number for predicted growth and could look it up. David P referred to information that Gale Decker had.

Bob mentioned box stores. They had their own demographers, who confirmed the growth was definitely worth making investments in the area. It would help the Planning Board and the planners to know what the future looked like from the experts. Those numbers were a year old so there might be new information.

Frank commented that the 3<sup>rd</sup> paragraph said the growth policy wasn't regulatory. The DMR were regulatory and conflicted with that. He thought it was an illegitimate child of the growth policy. He didn't see something in state law saying you could impose county-wide zoning and rules and not call it regulatory. It was confusing in that it wasn't regulatory but you must

substantially comply with it and be guided by it. They could go from the growth policy, which guided zoning, and put something like a density map with existing density or something like a goal and objective to have this kind of density pattern without imposing it as a rule. That was de facto zoning which conflicted with its own language, which said it wasn't zoning but it was. The intent seemed to be to jump from the growth policy to zoning. He didn't think they should have county-wide de facto zoning without input from the neighborhoods. If the Tribes were going to tell them what to do, how could there be unity or consistency? If they wanted consistent land use patterns, they ought to use the same rules.

Jacob said two of the most challenging things about this document were on what Frank touched. They had talked with the Commissioners, the consultants and as a department to determine how to involve the Tribe, to what extent and what the process would be, which was one of the big challenges. The other was what to do with the DMR. One idea was to make so it was no longer a stand-alone regulatory document and instead to make it part of the Growth Policy so it was no longer regulatory and became a guiding document like the growth policy. Frank thought that would solve it. Another thing was [inaudible] said you must live near cities but the cities said they couldn't give sewer and water and the Tribes said you couldn't live near them because they didn't want non-Tribal members hooking up [to sewer]. The zoning would get into it. He thought it would solve itself. Joel identified those as some of the stakeholders, listing the cities, the town of St. Ignatius and the water and sewer districts, to see what kind of capacity there was out there.

Bob asked where the authority came from to create a zoning district like Finley Point. Steve said it was a state law. Frank said there were two kinds: top-down and bottom-up. Joel said most of the zoning districts were adopted under county zoning statutes. A few citizen-initiated zoning districts were adopted. He thought that at some point, the County encouraged neighborhoods and communities that wanted to zone to work with the County and proposed County zoning. He listed a number of districts that happened in that way. The most recent was Merritt Ranch, where a single land owner found the DMR didn't work and worked with Planning to put together a zoning district.

Joel noted the County encouraged county zoning that was driven by citizens. That was actually encouraged in the regulations. It avoided the nightmare that one county had of having 56 little zoning districts, each with subdistricts, which were all different. That was tough to administer. Lake County had a decent situation with something like 14 districts, some with subdistricts, plus the DMR. Steve mentioned that as they amended zoning districts, they tried to make the same amendments in several districts so the regulations were more similar, making them easier to administer. Joel said one idea that could come from the growth policy would be something like a county development code that consolidates things. Definitions would be the same and regulations like floodplain, lakeshore and subdivision could be incorporated. He didn't think the public would favor that.

David P talked about open lands and the big irrigation project run by the Bureau of Indian Affairs, talk of increases in fees and speculation that people would get out, the irrigation system would collapse and leave the land fallow. He thought that less recovery of property values here

than compared to the counties to the north and south was due to the two competing government forces. The growth policy needed to be strong for a unilateral jurisdiction.

Steve thought it often got missed that Lake County wasn't entirely reservation land. Given the example of using Mission Valley Power bills to let people know about the growth policy, Steve's electricity in [North] Lake County came from Flathead Electric Coop. The management, services provided, economics and real estate values were different in the non-Tribal part of Lake County. The issues and problems were different and needed to be discussed.

Bob said this had been true for a long time. When he sold real estate 40 years ago, people were reluctant to go on the reservation due to bad press. Frank thought a perception existed that they'd rather be under state than federal government. He could argue both sides where the Tribe was helpful with environmental protection. Bob said he didn't come here because of the type of government. He got a better deal here and was pleasantly surprised with the attitude towards the environment that the Tribes were attempting to exercise and in some ways did, compared to what he saw the Flathead commissioners do. He gave an example. He liked wildlife and open space.

Dave G said he was a 3<sup>rd</sup> generation Montanan who was new to the area, having spent 30 years elsewhere. This included 14 years on a city planning board in Oregon. He mentioned polar views he'd encountered on state-wide zoning there. As it went along, more and more people were moving to the camp where they thought it was good since it provided predictability, stability and you knew what would be around you when you bought your property. He'd lived in areas with local government and Indian tribes that fought at every opportunity and in areas where great cooperation existed between the Tribes and the local government. They definitely wanted to strive for the latter situation. The Tribal jurisdiction wouldn't go away. It was a fact of life and would stay there like the mountains. Like the mountains, they had an impact on the growth. It was one more thing to take into consideration when they looked at what growth policies were.

Dave G continued that as far as specifics at which the growth policy should look, maybe a little more emphasis on what the demographic was really saying if it said the community was growing at 2% per year. Some areas might have negative growth and some might have tremendous growth occurring. Each had its own requirements. He gave the example of health care. If a lot of retirees came to the area, it required a certain amount of health care. The growth policy listed a number of doctors and the number of beds. That didn't give the whole picture. It didn't list types of specializations. Retirees had unique health care issues. Were those addressed with the health care now or was there market leakage, where people had to go to Kalispell or Missoula to get the care they needed? Were the doctors taking patients? In moving here, he found it took a while to find a doctor taking new patients. What was the new patient capacity? You might have 122 doctors. Some were specialists that were by referral only. Others might practice specialties that wouldn't be applicable to a retiree. He thought drilling down a bit more in some of those areas would be helpful.

Another thing with a big impact in a rural area was connectivity in today's world. He was fortunate in that he could move here and still keep his job as long as he could connect adequately to the internet. He had to be able to connect to servers in Seattle and on the East Coast. It took a while to find a service provider who had the necessary band width and speed. Maybe rather than

just saying they had internet or cell phone connection, they should give a better picture of where that was, what the capacity was and what the ability to grow it might be.

Dave G had worked on a board that had to redo its comprehensive plan and dealt with the same question of who you talk to. They asked each interviewee who else they should talk with. They got two groups of names. One was the group they already had, which reinforced they were talking to the right people. The other was a new pool that gave different insights. They got quite a pool of names that offered quite a bit of insight into it.

Bob asked for clarification on Dave G's suggestion about internet connections and the growth policy. Dave G thought they could talk to internet service providers regarding their plans for growth of their system. They would probably need information from the County as well regarding growth.

Frank commented about medical and going to Kalispell or Missoula for specialists. He thought Hwy 93 was designed for the environment rather than efficiency. He wanted to see helipads around the county in order to get to the hospital fast. The age of people here should be considered. Many of the retirees brought in primary money to spend.

David P asked if there was a way to have some form of investment with a return in the growth policy. The County could buy a block of land and lease it or create a special zoning for a retirement community where the County leased the land to the developer. They'd have lease income. Could that be part of a growth policy? Joel didn't see why it couldn't. David P thought it would be an income stream other than taxation. David G said that in a way, that was what tax increment financing was designed to do. He worked in Billings when they first did this. It was using growth and tax dollars to invest in public infrastructure that would result in private development occurring. In Billings, they used it to construct parking garages downtown which directly resulted in the construction of things such as a hotel and a bank tower. Those couldn't develop otherwise because of their parking requirements. To do it on the surface, they would have needed to acquire 2 or 3 city blocks. A parking structure was extremely expensive.

Jacob said they'd talk about [the growth policy] more in the future. He appreciated the comments. This was a 13-month process with the timeline ending in March 2018.

#### **MINUTES (8:28 pm)**

**Motion by Frank Mutch, and seconded by Rick Cothorn, to approve the Sept. 14, 2016 meeting minutes as presented. Motion carried, 5 in favor (Steve Rosso, Sigurd Jensen, Rick Cothorn, Bob Stone, Frank Mutch) and one abstention (David Goss).**

#### **OTHER BUSINESS (8:29 pm)**

Jacob mentioned it looked like there would be business for next month's meeting.

**Steve Rosso, chair, adjourned the meeting at 8:30 pm.**